High Court to Review Bugging-Control Law

New York's law providing for "judicially controlled" electronic eavesdropping, often referred to as a model for other states and the Federal Government, will come under Supreme Court review.

The Court announced yesterday that it will hear arguments in the case of Ralph Berger, a Chicago public relations man sentenced to a year in prison for arranging a bribe to obtain a New York liquor license for the Playboy Club.

Lawyers for the State conceded that Berger could not have been convicted if his conversations had not been monitored by an electronic listening device that was installed in an office with court approval.

The State contended, however, that the Supreme Court has stopped short, in previous decisions, of ruling that all eavesdropping invades the constitutional rights of individuals.

The Court's ruling will affect a number of other New York cases, some of them growing out of the same Liquor Authority bribery scandal.

Berger's lawyers contend that a court order approving "bugging" was granted on an inadequate showing of probable cause to believe the suspect was engaged in crime. They also argue that the court order was too broad and allowed a far-ranging search that conventional search warrants are designed to control.

The Court has already agreed, in another case, to decide whether police should be allowed to conduct broader searches and seize, in addition to instruments and fruits of crime, articles that are "mere evidence" of crime.

Last week, the Justice Department informed the Court that it is conducting an "intensive review" of Federal prosecutions and will purge the criminal dockets of cases tainted by the eavesdropping of Federal agents.

The disclosure was made in the tax evasion case of Joseph F. Schipani, of Brooklyn, whose petition for review had been turned down by the Court. Solicitor General Thurgood Marshall disclosed that Schipani's conversations were monitored by both the FBI and the Internal Revenue Service and said his case should be sent back for possible retrial.